

No.

200500119



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pure-Seed Testing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Innovator'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eleventh day of August, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995.

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

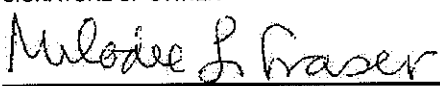

1. NAME OF OWNER Pure-Seed Testing, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PST-5KI		3. VARIETY NAME 708 Innovator 2/8/05	
4. ADDRESS (Street and No., or RFD No., City, State, and ZIP Code, and Country) PO Box 476-449 Rolesville, NC 27571 Hubbard, OR 97032 (BT: 7/11/2008)		5. TELEPHONE (include area code) 949-556-0146 503-263-0719		FOR OFFICIAL USE ONLY PVPO NUMBER 200500119	
6. FAX (include area code) 949-556-0174 503-263-0713		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Oregon	
9. DATE OF INCORPORATION 03 June 1974		10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Melodee Fraser, Ph.D. PO Box 176 Rolesville, NC 27571 Crystal Rose-Fricker PO Box 449 Hubbard, OR 97032		FILING AND EXAMINATION FEES: \$ 3652⁻ DATE 2/17/2005 CERTIFICATION FEE: \$ 768.00 DATE 7/22/2008	
11. TELEPHONE (Include area code) 919-556-0146		12. FAX (Include area code) 919-556-0174		13. E-MAIL mlkfraser@aol.com PSTeast@earthlink.net	
14. CROP KIND (Common Name) tall fescue		16. FAMILY NAME (Botanical) Gramineae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS & SPECIES NAME OF CROP Festuca arundinacea		17. IS THE VARIETY A FIRST GENERATION HYBRID? No		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no," go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED		22. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS. 6 FOUNDATION 6 REGISTERED 7 CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.	
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) Melodee L. Fraser		NAME (Please print or type) Crystal A. Rose-Fricker			
CAPACITY OR TITLE Director of Research - East		DATE 12/15/04		CAPACITY OR TITLE President	
		DATE 12/15/04			

Exhibit A

Origin and Breeding History of PST-5KI Tall Fescue

PST-5KI tall fescue was developed and released by Pure Seed Testing, Inc. (PST), Hubbard, OR. During the spring of 2000, 80 attractive plants with very low growth habit and dark, blue-green color were selected from spaced-plant nurseries near Hubbard. These nurseries contained plants that had been selected for brown patch resistance and good summer turf performance in turf trials seeded during 1997 and 1998 near Rolesville, NC and plants that had shown good turf quality and disease resistance in a trial seeded during 1995 near Adelphia, NJ. The 80 selected plants were transplanted prior to anthesis into an isolated polycross, designated 5KI, near Hubbard. After these plants were moved, but before their pedigrees were recorded, PST's research farm was vandalized by ecoterrorists during June 2000. Stakes identifying the plants in the 5KI polycross were removed and inflorescences were cut from some plants. As a result, it is impossible to accurately trace the parentage of this variety.

The plants in the 5KI polycross were allowed to interpollinate during the summer of 2000. Seed was subsequently harvested from 54 plants with seed heads. This seed was used to establish an isolated 2750-plant nursery near Hubbard during the fall 2000. Plants were removed from this nursery, prior to anthesis, to increase uniformity of plant type and maturity. Selection criteria for remaining plants were low growth habit, dark blue-green color, high percentage of reproductive tillers and freedom from visible stem rust symptoms. Remaining plants were allowed to interpollinate during the summer of 2001. Seed was harvested from 522 plants to produce Breeder seed of PST-5KI during the summer of 2001.

Seed production of PST-5KI is limited to three generations of increase from Breeder seed: one each of Foundation, Registered and Certified. Pure Seed Testing, Inc. maintains Breeder seed in Oregon. PST-5KI is a stable and uniform cultivar. No off-types or variants have been observed in the production or multiplication of PST-5KI tall fescue. *as observed from breeder through certified seed generations.*
(cr: 7/1/2008)

Exhibit B

Statement of Distinctness for PST-5KI Tall Fescue

'Innovator'

PST-5KI is most similar to 'Matador' tall fescue. They differ in the following characteristics:
(BT: 3/8/07)

1. PST-5KI has a mean initial heading date at least 8 days earlier than Matador (Tables 1, 2).
2. PST-5KI has a mean flag leaf height at least 4.4 cm shorter than Matador (Tables 3, 4).
3. PST-5KI has a mean tiller leaf length at least 1.8 cm shorter than Matador (Tables 3, 4).
4. PST-5KI has a mean flag leaf length 1 cm shorter than Matador (Tables 3, 5).
5. PST-5KI has a mean panicle length at least 2.4 cm shorter than Matador (Tables 3, 6).

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(TALL & MEADOW FESCUES)

OBJECTIVE DESCRIPTION OF VARIETY
TALL & MEADOW FESCUES
(*Festuca* spp.)

NAME OF APPLICANT(S) Pure-Seed Testing, Inc.	TEMPORARY DESIGNATION PST-5KI	VARIETY NAME 'Innovator' (BT:2/8/07)
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 606 N. Main St. PO Box 449 Rolesville, NC 27571 Hubbard, OR 97032 (BT:7/1/2008)	FOR OFFICIAL USE ONLY PVP NUMBER #200500119	

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

1 1 = *F. arundinacea* (Tall) Turf Types

1 = Kentucky 31	2 = Rebel	3 = Olympic	4 = Bonanza	5 = Arid	6 = Rebel II
7 = Shortstop	8 = Silverado	9 = Rebel Jr.	10 = Mini Mustang	11 = Crewcut	12 = Bonsai

Forage Types

20 = Kentucky 31	21 = Martin	22 = Forager	23 = Mozark
24 = Kenhy	25 = AU Triumph	26 = Fawn	27 = Cajun

_____ 2 = *F. pratensis* (Meadow)

30 = Admira	31 = Beaumont	32 = Comtessa	33 = Ensign	34 = Trader
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* 2. CYTOLOGY:

42 Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone **2** West **2** Northeast _____ Other (Specify): _____

* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

6 Maturity Class 1 = Very early () 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

#200500119

6 = Bonanza

7 = Late (Silverado)

8 = ()

9 = Very late

Date Headed **30 April**

Location **Hubbard, OR (Table 1)**

_____ Days earlier than _____
 Maturity same as _____
15 Days later than **1**

} Comparison Variety

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms * INTERNODE LENGTH CM: (Table 3)
 from crown to top of panicle, if panicle is nodding, straighten) (First internode subtending the flag leaf)

111.3 cm Height
38.6 cm Shorter than **1**
 Height same as _____
 _____ cm Taller than _____

} Comparison Variety

26.3 cm Internode Length
0.5 cm Shorter than **1**
 Length same as _____
 _____ cm Longer than _____

} Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar) (Table 3)

74.9 cm Height
17.2 cm Shorter than **1**
 Height same as _____
 _____ cm Taller than _____

} Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate () 3 = Semiprostrate () 5 = Horizontal ()
 7 = Semi-erect (Rebel) 9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

0 mm Length **1** 1 = Absent () 2 = Rare (Rebel) 3 = Common ()

* 8. LEAF BLADE: (Tiller leaves/ turf color)

***5** Color: 1 = Light green () 3 = Medium light green () 5 = Green ()
 7 = Medium dark green () 9 = Very dark green ()

5 Specify rating of comparison variety **8**

***1** Anthocyanin: 1 = Absent () 9 = Present ()

***1** Basal Hairs: 1 = Absent () 9 = Present ()

***9** Margins: 1 = Smooth () 5 = Semi-rough () 9 = Rough ()

#200500119

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf) **(Table 3)** * TILLER LEAF WIDTH MM: **(Table 3)**

1.4 mm Narrower than 1

Width same as _____

Comparison Variety

Comparison Variety

mm wider than

0.9 mm Narrower than

0.9 mm Narrower than

Width same as

Comparison Variety

Comparison Variety

_____ mm Wider than

***1 Auricle Hairiness:** 1 = Absent () 9 = Present ()

Length same as

Comparison Variety

* 11. SEED: (With Lemma & Pelea)

*2447 mg per 1000 seeds

#200500119

____ mg Less than ____
 Weight same as ____
406 mg More than 8

} Comparison Variety

PALEA: (Keels or Margins)

5 Hairs: 1 = Absent () 5 = Short (Missouri 96) 9 = Long ()

LEMMA:

1 Hairs: 1 = Absent (Kenhy) 5 = Several () 9 = Many (Missouri 96)

5.5 mm Lemma Length (Mature)

1.5 mm Lemma Width

0.2 mm Shorter than 8
 Length same as 8
 ____ mm Longer than ____

} Comparison Variety

(bt: 7/1/08 per applicant authorization)

____ mm Narrower than ____
 Width same as 8
 ____ mm Wider than ____

} Comparison Variety

*AWNS: 2 AWNS: 1 = Absent () 9 = Present (Falcon) 100 % Plants with awns

0.8 mm Awn length (Of those present.)

____ mm Shorter than ____
 Length same as 8
 ____ mm Longer than ____

} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Blind Seed *Gloeotinia temulenta*

0 Leaf Spot *D. siccans*

7 Dollar Spot *Lanzia, Mollerdiscus* spp.

6 Net Blotch *D. dictyoides*

5.5 Stem Rust *Puccinia graminis*

6 Brown Patch *Rhizoctonia solani*

0 T. Blight *Typhula incarnata*

0 C. Leaf Spot *Cercospora fectueae*

5 Pythium Blight *Pythium* spp.

0 Pink Snow Mold *Gerlachia nivalis*

0 Powdery Mildew *Erysiphe graminis*

0 Silver Top *F. tricinatum, F. roseum*

6 Crown Rust *Puccinia coronata*

____ Other Disease _____

____ Other Insect _____

____ Other Nematode _____

13. ENVIRONMENTAL STRESS

6 Drought Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

6 Shade Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

13. ENVIRONMENTAL STRESS: (continued)

6 Winter Stress

1 = Susceptible ()

5 = Tolerant () 9 = Resistant ()

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14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	Matador	2	Leaf Color	Matador	2
Panicle Color	Matador	2	Panicle Shape	Matador	3
Seed Size	Matador	3	Cold Injury	Matador	2
Winter Color	Matador	2	Heat	Matador	3
Disease	Matador	3			

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

Seed yield trials were seeded during 2001 and 2002 and a spaced-plant trial was planted during 2001 near Hubbard, OR at 3.6 kg/ha. Twenty-five tillers from each of three replications were measured in 2002 and 2003 for a total of 75 tillers/cultivar/trial.

Exhibit D

Additional Description of PST-5KI Tall Fescue

- ~~'Innovator'~~
(2/8/07 BT)
1. PST-5KI has shown good turf quality in US trials (Table 7).
 2. PST-5KI has shown good brown patch resistance (Tables 8-10) and moderate stem rust resistance (Tables 11, 12).

Table 1. 2003 mean initial heading dates for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Mean
Bonanza II	13 May
Matador	08 May
'Innovator' (<PST-5KI)*	30 April
Kentucky 31	15 April
LSD (0.05)	3 days

Table 2. 2002 mean initial heading dates for entries in a single row tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Mean
PST-5LMD	15 May
Matador	12 May
PST-5KI	03 May
Kentucky 31	25 April
LSD (0.05)	5 days

Table 3. 2003 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm ²)
Kentucky 31	149.9	92.1	26.8	37.9	5.3	28.5	4.5	35.2	42.6
Matador	115.7	80.2	28.2	29.2	3.2	23.1	3.0	23.8	50.1
PST-5KI	111.3	74.9	26.3	25.9	3.9	19.3	3.6	21.4	47.3
LSD (0.05)	6.0	4.4	2.1	2.5	0.7	2.3	0.7	1.9	16.0

Table 4. 2002 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Width (mm)	Tiller Count (#/12.7 cm Row)
Kentucky 31	150.1	96.7	30.7	29.0	6.7	4.7	26.0
Matador	120.3	69.6	26.0	19.2	6.0	4.5	45.5
PST-5KI	119.6	65.2	24.7	17.4	5.6	5.3	44.1
LSD (0.05)	4.5	3.7	1.8	1.8	0.6	0.6	10.3

Table 5. 2002 mean flag leaf lengths for entries in a tall fescue spaced plant trial planted fall of 2001 near Hubbard, OR.

Entry	Mean (cm)
Kentucky 31	17.2
Matador	10.9
PST-5KI	9.9
LSD (0.05)	1.0

**PST-5KI>= 'Innovator'
(BT: 2/8/07)

Table 6. 2003 mean panicle lengths for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Mean (cm)
Matador	20.3
PST-5KP*	17.8
LSD (0.05)	1.6

Table 7. 2002 mean turfgrass quality ratings of tall fescue cultivars grown at 16 locations in the US (9 = ideal)[maintained using "schedule A"]*

Name	AR	CA	GA	IN	KY	MD	MI	NC	NJ1	NJ2	OK	TX1	TX2	VA	WA1	WA2	Mean
F-4	4.9	6.8	6.8	5.1	7.1	5.9	5.9	6.6	7.1	6.6	6.5	5.9	5.1	6.7	6.3	5.0	6.1
Matador	4.6	6.6	6.8	4.9	6.3	5.4	5.3	5.9	5.7	5.3	6.7	5.7	5.2	6.5	6.0	4.7	5.7
PST-5KP*	4.7	6.2	7.0	4.9	5.6	6.0	5.2	6.2	5.2	5.0	6.4	6.2	4.9	6.8	6.2	4.3	5.7
Bonsai	3.1	6.2	6.5	4.5	5.5	4.8	5.0	4.9	3.4	3.0	5.8	5.1	5.1	6.0	5.1	4.2	4.9
Kentucky 31	3.0	4.8	6.0	4.4	4.0	3.4	4.4	4.5	1.2	1.1	5.9	5.3	5.0	4.0	3.5	4.0	4.0
LSD (0.05)	1.0	0.8	0.7	0.6	1.0	0.8	0.6	0.7	0.8	0.7	0.5	0.7	0.6	1.4	0.7	0.7	0.2

*SCHEDULE A - ≤ 1.5 -2" MOWING HEIGHT; 3-5 Lb N/1000 Ft²/Yr; IRRIGATION TO PREVENT VISIBLE DROUGHT STRESS

*PST-5KI = 'Innovator' (BT:2/8/07)

Table 8. 2002 mean brown patch ratings of tall fescue cultivars grown at 6 locations in the US (9 = no disease)

Name	AR	IL	IN	OK	VA	WI	Mean
Forte	6.3	6.3	8.7	4.0	8.3	8.3	7.0
Kentucky 31	8.0	5.7	8.7	3.0	8.7	8.0	7.0
PST-5KI*	6.3	5.7	8.3	2.3	8.3	8.3	6.6
Tar Heel	7.3	4.3	8.0	3.3	8.0	8.3	6.6
Matador	5.7	4.7	8.0	3.7	7.3	7.7	6.2
Bonsai	5.7	4.3	7.0	6.0	6.0	6.7	5.9
DP 50-9082	4.3	2.7	6.7	4.7	4.7	7.7	5.1
LSD (0.05)	3.3	3.3	1.5	1.6	2.4	0.9	1.0

Table 9. Mean brown patch ratings for entries in a tall fescue turf trial seeded fall of 2001 near Rolesville, NC.

Entry	2002	2003	Mean
Tar Heel	6.2 ¹	7.4	6.8
PST-5KI	5.2	7.2	6.2
Silverado	2.6	5.9	4.2
Matador	4.1	4.0	4.1
Coronado	2.3	5.0	3.7
Kentucky 31	3.6	3.1	3.3
Bonsai	2.3	2.4	2.4
LSD (0.05)	1.7	2.0	1.3

¹9 = ideal

Table 10. 2003 mean brown patch ratings for entries in a tall fescue turf trial seeded fall of 2002 near Rolesville, NC.

Entry	Mean
Tar Heel II	6.9 ¹
Tar Heel	6.7
PST-5KI	5.8
Matador	4.0
Bonsai	3.3
Coronado	3.3
Kentucky 31	3.3
Rebel II	2.9
LSD (0.05)	1.7

Table 11. 2002 mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Mean
Matador	7.0 ¹
Kentucky 31	6.0
PST-5KI	5.0
Bonsai	4.0
Eldorado	2.0
LSD (0.05)	2.2

¹9 = no disease

*PST-5KI = 'Innovator' (Br: 2/8/07)

Table 12. 2003 mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Mean
Endure	6.3 ¹
PST-5KI*	6.0
Matador	5.7
Bonsai	5.3
Kentucky 31	4.0
Rebel II	2.7
Eldorado	1.3
LSD (0.05)	1.9

¹9 = no disease

Table 13. Mean Pythium and turf quality ratings for entries in a tall fescue turf trial seeded fall of 2000 near Camarillo, CA.

Entry	Pythium 26 July 01	Turf Quality		
		2001	2002	Mean
PST-DDL	6.7 ¹	7.7 ²	8.2	7.9
Matador	7.7	7.6	6.9	7.2
PST-5KI	5.7	6.7	6.3	6.5
Tar Heel	6.0	6.0	5.1	5.5
Bonsai	5.7	5.3	5.7	5.5
Endeavor	5.0	5.4	5.2	5.3
Torpedo	3.0	2.2	2.0	2.1
LSD (0.05)	1.1	0.5	0.8	0.5

¹9 = no disease; ²9 = ideal

Table 14. 2002 mean initial heading dates for entries in a single row tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Mean
PST-5LMD	15 May
Matador	12 May
Bonsai	05 May
Falcon II	05 May
PST-5KI	03 May
Jaguar 3	02 May
Tar Heel	30 April
Endeavor	28 April
Kentucky 31	25 April
LSD (0.05)	5 days

Table 15. 2002 mean initial heading dates for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	Mean
Bonsai	19 May
Matador	16 May
Tar Heel	14 May
PST-5K1	14 May
Endeavor	09 May
Kentucky 31	08 May
LSD (0.05)	2 days

*PST-5KI = 'Innovator'
(sr:2/3/07)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) PureSeed Testing, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER PST-5KI	3. VARIETY NAME 'Innovator' (8-2/8/2007)
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) PO Box 449 Hubbard, OR 97032	5. TELEPHONE (include area code) 503-263-0719	6. FAX (include area code) 503-263-0703
7. PVPO NUMBER # 200500119		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership. (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Pure Seed Testing, Inc. has licensed PST-5KI to Turf-Seed, Inc.**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PLANT
VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F DECLARATION
REGARDING DEPOSIT**

NAME OF OWNER (S) Pure-Seed Testing, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) PO Box 449 Hubbard, OR 97032	TEMPORARY OR EXPERIMENTAL DESIGNATION PST-5KI VARIETY NAME Innovator
NAME OF OWNER REPRESENTATIVE (S) Melodee Fraser, Ph.D. Crystal Rose-Fricker	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) PO Box 176, Rolesville, NC 27571 PO Box 449, Hubbard, OR 97032	FOR OFFICIAL USE ONLY PVPO NUMBER 200500119

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature


Date 07/01/08